

## **MITIGATED NEGATIVE DECLARATION**

March 22, 2007

Project Name: Sweetwater Road Condominiums

Project Number(s): TM 5392RPL<sup>3</sup>, S04-050, Log No. 04-18-008

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached Stormwater Management Plan, Acoustical Analysis, CEQA Preliminary Hydrology/Drainage Study, and Sensitive Plant Survey Report.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

1. Prior to approval of grading or improvement plans, and prior to approval of the Map, the applicant shall:
  - a. Provide for the approval of the Director of Planning and Land Use evidence that 0.35 acres of non-native grasslands (Tier III) or higher tier habitat credit have been secured in a County approved mitigation bank located in the MSCP. Evidence of purchase shall include the following information to be provided by the mitigation bank:
    - (1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
    - (2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
    - (3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
    - (4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

**-OR-**

- b. Provide for the conservation and habitat management of a minimum of 0.35 acres of non-native grasslands (Tier III) or higher Tier habitat located in the MSCP. A Habitat Management Plan (HMP) for the habitat must be submitted

and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

C. Noise

1. Include a detail on the site plans specifying that sound attenuation barriers may be a berm, wall, or a combination design. Specify that "the wall portion of each barrier shall be made of earthen berm, masonry,  $\frac{3}{4}$ -inch thick plywood,  $\frac{1}{4}$ -inch thick glass,  $\frac{1}{2}$ -inch thick Lexan, fiberglass, or a combination with no cracks or gaps through or below the barrier. The minimum surface density of each barrier shall be at least 3.5 pounds per square foot."
2. On the Final Map the applicant shall:

Grant to the County of San Diego a Noise Protection Easement over the entire area of Lot 1 of Tentative Map 5392RPL<sup>3</sup>. This easement is for the mitigation of present and anticipated future excess noise levels from Sweetwater Road and State Route 125 on residential uses of the affected Lot. The easement shall require:

- a. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior of each residential dwelling unit will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [interior (45 dB CNEL)]. Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for a Major Road for Sweetwater Road which is the designated General Plan Circulation Element buildout roadway classification.
- b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

1. Prior to approval of the Final Map,
  - a. Improve or agree to improve and provide security for the on-site private road with a minimum unobstructed private road width of twenty-four feet (24') of asphaltic concrete pavement over approved base. Private road grades shall be a minimum of 1.0 percent and designed to drain the surface water properly per Standard Condition 11 of the "Standard Conditions for Tentative Subdivision Maps". All of the foregoing shall be to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.
  - b. Provide a certification by a Registered Civil Engineer, Licensed Land Surveyor, or Registered Traffic Engineer, that the unobstructed intersectional sight distance along Sweetwater Road looking in both directions from the project entrance is a minimum of seven hundred feet (700'), to the satisfaction of the Director of Public Works.
  - c. Dedicate/grant/provide any necessary on-site and off-site public/private drainage easements to the satisfaction of the Director of Public Works.
2. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning

stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

3. The project includes category 2 post-construction BMPs (catch basin insert), the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.
4. The private road shall have red curbs and signage every 50' indicating "No Parking/ Fire Zone."
5. A fire hydrant shall be installed at the inside corner across from Lots 1 and 2.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

JOSEPH FARACE, Planning Manager  
Regulatory Planning Division

JF:LS:jcr

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